

STATE OF MICHIGAN
COURT OF APPEALS

CITY OF PONTIAC,

Respondent-Appellant,

v

MICHIGAN ASSOCIATION OF POLICE,

Charging Party-Appellee.

UNPUBLISHED

March 11, 2008

No. 273143

MERC

LC No. 04-000189

Before: Whitbeck, P.J., and Owens and Schuette, JJ.

MEMORANDUM.

Respondent City of Pontiac (the city) appeals as of right from the decision of the Michigan Employment Relations Commission (MERC) finding that the city committed an unfair labor practice under the Public Employment Relations Act (PERA), MCL 423.201 *et seq.*, against the charging party, the Michigan Association of Police (MAP). However, we find that this issue is moot because the parties submitted this case to binding arbitration.

The MAP filed a charge against the city with MERC on July 15, 2004. However, it also filed a petition for arbitration pursuant to MCL 423.231 *et seq.* on October 19, 2004. The arbitration panel issued its opinion and award on January 1, 2007. MCL 423.240 states:

A majority decision of the arbitration panel, if supported by competent, material, and substantial evidence on the whole record, shall be final and binding upon the parties, and may be enforced, at the instance of either party or of the arbitration panel in the circuit court for the county in which the dispute arose or in which a majority of the affected employees reside.

Accordingly, the decision issued by the arbitration panel on January 1, 2007, is binding on the parties and, as a result, a collective bargaining agreement between the parties has been implemented.

On appeal, the city challenges the MERC ruling that it breached its duty to bargain in good faith with the MAP when it failed to notify the MAP of its decision to reject the agreement and to provide reasons for its rejection. However, because a majority decision of the arbitration panel is binding on the parties and a collective bargaining agreement between the city and the MAP exists, the city's challenge to the MERC holding that it failed to bargain in good faith with the MAP has been rendered moot.

Dismissed.

/s/ William C. Whitbeck

/s/ Donald S. Owens

/s/ Bill Schuette